

104TH CONGRESS
1ST SESSION

H. R. 1764

To amend title 28, United States Code, to provide for the protection of civil liberties, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1995

Mr. FUNDERBURK introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to provide for the protection of civil liberties, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Act to End Unfair
5 Preferential Treatment”.

6 **SEC. 2. PUBLIC EMPLOYMENT, PUBLIC CONTRACTING, AND**
7 **FEDERAL BENEFITS.**

8 Part VI of title 28, United States Code, is amended
9 by inserting after chapter 176 the following new chapter:

1 **“CHAPTER 177—CIVIL LIBERTIES**

2 **“§ 3601. Public employment, public contracting, and**
3 **Federal benefits**

4 “Notwithstanding title VII of the Civil Rights Act of
5 1964 (42 U.S.C. 2000e et seq.), title IX of the Education
6 Amendments of 1972 (20 U.S.C. 1681 et seq.), section
7 15 of the Small Business Act (15 U.S.C. 644), or any
8 other provision of law, no agent or agency of the Federal
9 Government may use race, color, gender, ethnicity, or na-
10 tional origin—

11 “(1) as a criterion for either discriminating
12 against, or granting preferential treatment to, any
13 individual or group; or

14 “(2) in a manner that has the effect of requir-
15 ing that employment positions be allocated among
16 individuals or groups;

17 with respect to providing public employment, conducting
18 public contracting, or providing a Federal benefit for edu-
19 cation or other activities.

20 **“§ 3602. Necessary classifications based on gender**

21 “Nothing in this chapter shall be interpreted as pro-
22 hibiting classifications based on gender that are reason-
23 ably necessary to the normal provision of public employ-
24 ment, conduct of public contracting, or provision of a Fed-
25 eral benefit.

1 **“§ 3603. Court order or consent decree**

2 “Nothing in this chapter shall be interpreted as—

3 “(1) affecting any court order or consent decree
4 that is in effect as of the date of enactment of this
5 chapter; or

6 “(2) forbidding a court to order appropriate re-
7 lief to redress past discrimination.

8 **“§ 3604. Definitions**

9 “As used in this chapter:

10 “(1) The term ‘agent’ means an officer or em-
11 ployee of the Federal Government.

12 “(2) The term ‘Federal benefit’ means—

13 “(A) funds made available through a Fed-
14 eral contract; or

15 “(B) cash or in-kind assistance in the form
16 of a payment, grant, loan, or loan guarantee,
17 provided through any program administered or
18 funded by the Federal Government.”.

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